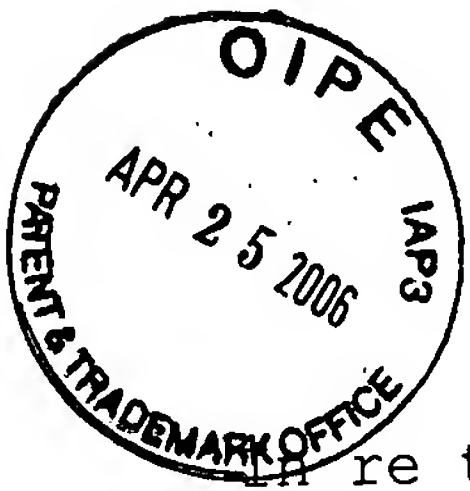


TAN-356

IFW  
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the application of:

Hiroshi TOMIYAMA, et al.

Serial No.: 10/560,357

Group:

Filed: December 12, 2005

Examiner:

FOR: SERUM CHOLESTEROL LOWERING AGENT OR PREVENTIVE OR  
THERAPEUTIC AGENT FOR ATHEROSCLEROSIS

Date: April 19, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF TRANSLATION OF**  
**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

Sir:

Applicants herewith submit a copy of the Translation of the International Preliminary Report on Patentability under Chapter II, which report has been provided by the International Bureau without annexes. Copies of the references cited therein are being provided concurrently with an Information Disclosure Statement.

The translation is being provided for the benefit of the

examiner and to ensure completeness of the record of the subject application.

Respectfully submitted,

Attorney for Applicants

Robert L. Haines

Reg. No. 35,533

SHERMAN & ASSOCIATES  
415 N. Alfred Street  
Alexandria, Virginia 22314  
(703) 549-2282

TAN-356



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Hiroshi TOMIYAMA, et al.

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P.O. Box 1450  
Alexandria, VA 223131450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with their obligation under 37 C.F.R. §1.56, Applicants would like to call the Examiner's attention to the documents listed on the attached form SB-08A and B

Applicants note that all of the documents listed are cited in the International Search Report, a copy of which was filed with the original application or in the International Preliminary Report on Patentability, a copy of which is submitted herewith.

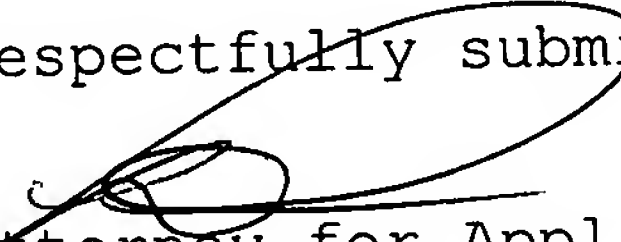
Applicants further point out that U.S. published

application 2004/0063929 is the corresponding U.S. application to WO 02/066464 and is provided herewith as an English translation of the International application.

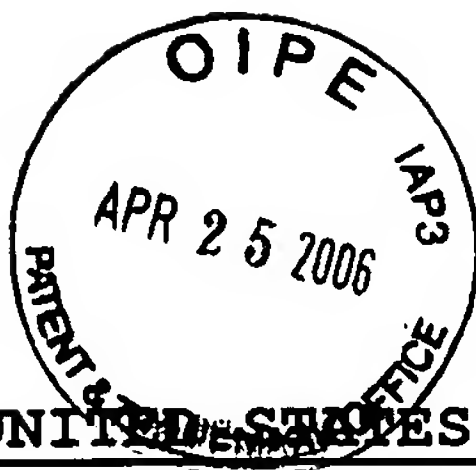
In addition, the English language International Application publications WO 94/14433 and WO 97/16455 are provided instead of their respective corresponding Japanese applications JP08-505141 and JP10-512592 listed in the International Search Report.

Applicants are not aware at this time of any other prior art which could be considered to be relevant to the present application.

Respectfully submitted,

  
Attorney for Applicants  
Robert L. Haines  
Reg. No. 35,533

SHERMAN & ASSOCIATES  
P.O. BOX 788  
Alexandria, Virginia 22313  
(703) 549-2282



ATTORNEY'S DOCKET TAN-356  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: ) Group Art Unit:  
Hiroshi TOMIYAMA, et al. )  
Serial No. 10/560,357 ) Examiner: Unknown  
Filed: December 12, 2005 )

For: **SERUM CHOLESTEROL LOWERING AGENT OR PREVENTIVE OF THERAPEUTIC AGENT FOR ATHEROSCLEROSIS**

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. §1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

[ X] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. §1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

[ ] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. §1.113, or a notice of allowance under 37 C.F.R. §1.311.

The enclosed statement is accompanied by [check one]:

[ ] i. a certification in part (e) below as specified in 37 C.F.R. §1.97(e), or

[ ] ii. a check in the amount of \$ required by 37 C.F.R. §1.17(p).

[ ] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. §1.113, or a notice of allowance under 37 C.F.R. §1.311, but before payment of the issue fee.

PETITION: It is requested that the information being submitted be considered. [NOTE: If box (c) is checked, the following two boxes must be checked.]

☐ PETITION FEE: A check for \$180.00 required by 37 CFR \$1.17(p), is enclosed.

☐ CERTIFICATION is attended to in box (e) below.

☐ d. The enclosed statement is being filed pursuant to 37 C.F.R. \$1.97(i), for placement in the file.

☐ e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. \$1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

☐ Appropriate certification is attached.

☒ f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 19-1980.

Respectfully submitted,

**SHERMAN AND ASSOCIATES**

Attorney for Applicants

Robert L. Haines

Reg. No. 35,533

**SHERMAN AND ASSOCIATES**

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Alexandria, Virginia 22314

703-549-2282

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

**(Use as many sheets as necessary)**

**Complete if Known**

Application Number	10/560,357
Filing Date	December 12, 2005
First Named Inventor	Hiroshi TOMIYAMA
Art Unit	1614
Examiner Name	
Attorney Docket Number	TAN-356

Sheet 1 of 2

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		WO 94/14433	07-07-1994	Schering Corp		
		WO 95/26334	10-05-1995	Schering Corp		
		WO 02/50090	06-27-2002	Schering Corp		
		WO 97/16455	05-09-1997	Schering Corp		
		WO 02/066464	08-29-2002	Kotobuki Pharmaceutical		
		WO 02/058732	08-01-2002	Schering Corp		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	10/560,357
		Filing Date	December 12, 2005
		First Named Inventor	Hiroshi TOMIYAMA
		Art Unit	1614
		Examiner Name	
Sheet 2	of 2	Attorney Docket Number	TAN-356

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		ZETIA: Prescribing Information [Online]. MERCK/Schering-Plough Pharmaceuticals, 2001, 2002 [Retrieved from the internet: URL: <a href="http://www.drugs.com/PDR/zetia_tablets.html">http://www.drugs.com/PDR/zetia_tablets.html</a>	
		Zetia Tablets Professional Drug Information, published March 2003, Rev. 01, URL: <a href="http://www.zetia.com/zetia/shared/documents/zetia_pi.pdf">http://www.zetia.com/zetia/shared/documents/zetia_pi.pdf</a> (published in March 2005, Rev 07	

Examiner Signature		Date Considered	
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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